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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,253	06/27/2003	Richard Holmberg	60046.0036US01	8564

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THE HOPE LAW FIRM  
P.O. BOX 2825  
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EXAMINER

BAE, JI H

ART UNIT

PAPER NUMBER

2115

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/608,253	<b>Applicant(s)</b> HOLMBERG ET AL.	
	<b>Examiner</b> Ji H. Bae	<b>Art Unit</b> 2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 28-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10-18, 20-22 and 24-27 is/are rejected.
- 7) ☒ Claim(s) 5, 9, 19 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date, _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

## **DETAILED ACTION**

### ***Election/Restrictions***

This application contains claims directed to the following patentably distinct species of the claimed invention:

1. Species I (claims 1-27), directed towards a method and system of detecting the validity of configuration data for a computer system.
2. Species II (claims 28-33), directed towards a method of recovering configuration data for a plurality of components in a computer system.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if

Art Unit: 2115

the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Leonard Hope on 9 November 2005, a provisional election was made without traverse to prosecute the invention of species I, claims 1-27.

Affirmation of this election must be made by applicant in replying to this Office action. Claims 28-33 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the specification makes reference to logical operations 400 in Fig. 4 [applicant's specification, page 12, line 14] and logical operations 500 in Fig. 5 [applicant's specification, page 14, line 13]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the correct map position for serial port 52B [Fig. 2B] as described in the specification. It is noted

Art Unit: 2115

that applicant has not consistently disclosed the byte address and bit position for serial port 52B between the specification and the drawings (see specification objections below). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: applicant's disclosure of the byte address and bit position of serial port 52B [Fig. 2B] is not consistent and appears to be the result of numerous typographical errors. For example, on page 10, lines 16-19 of applicant's specification, applicant discloses:

Art Unit: 2115

“As shown in Fig. 2B, the memory addresses for the serial port 52B in the Map Position column 66 have also changed from byte 70, bits 4-6 (70:4-6) in the setup control database 50 to **byte 71, bits 0-4 (71:0-3) in the setup control database 60.**”

Setup control database 60 shows **byte 73, bits 0-3 (73:0-3)** for serial port 52B.

Similarly, on page 15, lines 25-28, applicant discloses:

“In this example, the serial port 52B also has a map position of **byte 71, bits 0-3 (83:0-3)** in the updated configuration data with a default setup value of 1 as shown in the setup control database 60 of Fig. 2B.”

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 12, 13, 15, 16, 26, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Stepp, III et al., U.S. Patent No. 6,748,524 B1.

Regarding claim 1, Stepp teaches a method with steps comprising [Fig. 4A]:

detecting a layout of present configuration data, the present configuration data being stored in a memory device in the computer system [current CMOS registers, col. 5, lines 19-25];

Art Unit: 2115

detecting a layout of updated configuration data, the updated configuration data being contained within program code comprising an updated configuration for the computer system [current CMOS file, col. 5, lines 25-31];

comparing the layout of the present configuration data to the layout of the updated configuration data [col. 5, lines 18-20];

if the layout of the present configuration data matches the layout of the updated configuration data, then determining that the present configuration data is valid [col. 5, lines 51-54];

and if the layout of the present configuration data does not match the layout of the updated configuration data, then determining that the present configuration data is invalid [col. 5, lines 37-41].

Regarding claim 2, Stepp teaches the step of resetting the present configuration data to a default state after determining that the present configuration data is invalid [col. 5, lines 42-51].

Regarding claim 12, Stepp teaches that the memory device is a non-volatile random access memory [col. 3, lines 39-56].

Regarding claim 13, Stepp teaches that the NVRAM device is a CMOS chip in the computer system.

Regarding claims 15, 16, 26, and 27, Stepp teaches the method of claims 1, 2, 12, and 13. Stepp also teaches the computer system to implement the claimed method.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2115

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 6, 7, 8, 10, 11, 14, 17, 18, 20, 21, 22, 24 and 25, are rejected under 35

U.S.C. 103(a) as being unpatentable over Stepp in view of Ji et al., U.S. Patent No.6,836,657

B2.

Regarding claim 3, Stepp teaches the method of claim 1, but does not teach that the present configuration data comprises a numerical value representing the layout of the present configuration data.

Ji teaches a method wherein configuration data is validated by means of a checksum or Cyclic Redundancy Check [col. 9, lines 33-38].

It would have been obvious to one of ordinary skill in the art to combine the teachings of Stepp and Ji by representing the CMOS register values of Stepp as a CRC checksum as taught by Ji. The teachings of Stepp and Ji are both directed towards maintaining and controlling configuration changes in computer systems. Additionally, CRC is well-known method of error detection/correction. The teachings of Ji would improve the method of Stepp by simplifying the configuration validation process. Instead of verifying numerous CMOS register settings, only the checksum value would need to be validated.

Regarding claim 4, it would have been obvious to one of ordinary skill in the art to store the first numerical value in the memory device in the computer system since the present configuration data [current CMOS registers] is stored in the memory device.

Regarding claim 7, it would have been obvious to one of ordinary skill in the art to represent the updated configuration data [current CMOS file] as a second numerical value representing the layout of the updated configuration data, since the two configuration data sets will be compared against each other for changes.



Art Unit: 2115

Regarding claim 8, it would have been obvious to store the second numerical value in the program code since the updated configuration data is stored in the program code.

Regarding claims 10 and 11, the combination of Stepp and Ji teaches that the numerical values are represented as checksum values.

Regarding claim 14, it would have been obvious to one of ordinary skill in the art to include the program code as part of a BIOS. It is a conventional and well-known practice to store the BIOS settings in CMOS.

Regarding claims 17, 18, 21, 22, 24 and 25, Stepp teaches the method of claims 3, 4, 7, 8, 10, 11, and 14,. Stepp also teaches the computer system to implement the claimed method.

### ***Allowable Subject Matter***

Claims 5, 9, 19, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Probst, U.S. Patent No. 5,982,899;

Hove et al., U.S. Patent No. 6,564,369 B1;

Beeston et al., U.S. Patent No. 6,854,052 B2;

Christeson, U.S. Patent No. 5,822,581;

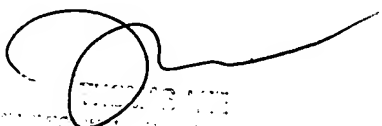
Zomaya et al., U.S. Patent No. 6,711,676 B1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ji H. Bae whose telephone number is 571-272-7181. The examiner can normally be reached on Monday-Friday, 10 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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